AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111   ·   ·   Page 7
Serial Number: 10/051,545   Dkt: 1565.005US1
Filing Date: January 18, 2002
Title: METHODS, DATA STRUCTURES, AND SYSTEMS TO ACCESS DATA IN CROSS-LANGUAGES FROM CROSS-COMPUTING
     ENVIRONMENTS

REMARKS

This responds to the Office Action mailed on <u>August 9, 2006</u>, and the references cited therewith.

Claims <u>1, 9, and 16</u> are amended, claims <u>10-15 and 24-29</u> were previously canceled without prejudice to the Applicants; as a result, claims <u>1-9 and 16-23</u> are now pending in this application. In an effort to head off any issues associated with the amendments, the Examiner's attention is directed to the original filed specification page 11 penultimate paragraph and page 12 first and second full paragraphs. This and other references throughout the entire specification support the comments made below and the amendments made above.

§102 Rejection of the Claims

Claims 1-9 and 16-21 were rejected under 35 U.S.C. § 102(e) for anticipation by Lakritz (U.S. 6,623,529). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the cited reference.

More specifically, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently in a single reference. *Verdegaal Bros.v. Union Oil Co. of California*, 814 F.2d 628, 631,2 USPQ 1051, 1053 (Fed. Cir. 1987). Additionally, "[t]he identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

The Examiner has asserted that the "document template" discussed and used in Lakritz is equivalent to Applicant's "message file." Applicant respectfully disagrees with this interpretation. It is clear that the manner and teachings of Lakritz proceeds in the following manner. A user visits a website and identifies a desired language/country. A master site houses the web pages via generic site document template; the template is populated with the specific languages in response to the desired language of a user by interacting with the language database to acquire the proper language for populating the template. The Examiner's attention is directed

to the Abstract; col. 2 lines 28-34 (under the Summary of the Invention Section); and col. 5 lines 10-18.

Lakritz is directed to providing a single website full of content that can be rendered into multiple languages. To do this, Lakritz has a generic format for the website represented in a document template that is in fact language independent. That document template gets populated with specific desired language content based on the selected language or country of choice. This neglects to address a variety of other concerns that may occur. First, any software executing on or within a particular webpage is not addressed it appears that embedded software or services within a webpage is not permissible and that Lakritz is just directed to translating language data related to content structurally defined in the generic document template for the webpage or website.

In other words, if a user were to access something other than HTML it does not work. Lakritz only discusses translating any hard coded strings associated with an embedded HTML script. Lakritz, col. 7 lines 49-60. Here, Lakritz even acknowledges that only some text may be translated with respect to a script and this is just informational text associated with describing the script to the user. In other words, when that script is processed there is no translation of any error messages or other information that the script may produce.

Secondly, it appears that Lakritz is only designed to service content on a website. That is, direct access to a service outside the context of a browser would not work and would not produce translation. Even further, the document template is computing environment dependent. That is, the version of the browser or the machine running the user's browser and its resources are not accounted for or addressed at all in Lakritz. Thus, a user with a non compatible browser or environment could not even interface with the content translation technique proposed in Lakritz.

In summary, the document template is language underlined independent and computing environment dependent. *Emphasis added.* Thus, a website that utilizes the technique in Lakritz must include separate document templates for all its various sites and combinations of sites and must force users to have compatible computing environments and browsers and in most cases still will not translate messages emanating from executable software that may process while the user is on that site, assuming this is even permissible in Lakritz.

Applicant has an entirely different approach that is not strictly limited to a webpage or website. The message file is language <u>dependent</u> and computing environment <u>independent</u>. Thus, Lakritz has taken an entirely different approach that is strictly geared towards content at a particular website. In fact, Lakritz's approach teaches away from Applicant's approach because the teachings in Lakritz use a document template that is language independent and computing environment dependent.

Correspondingly, Applicant asserts that the rejections with respect to Lakritz should be withdrawn and the claims allowed.

§103 Rejection of the Claims

Claims 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lakritz, as applied to claims 1-9 and 16-21 above, and in view of Official Notice. Claims 22-23 are dependent from amended independent claim 16; thus, for the amendments and remarks presented above with respect to independent claim 16, the rejections of claims 22-23 should be withdrawn and Applicant respectfully requests an indication of the same.

Additionally, Applicant respectfully traverses the Examiner's usage of Official Notice. MPEP 2144.03 indicates that such notice should be used in on rare cases and requires a substantial amount of evidence to uphold on Appeal in view of recent Federal Circuit cases. The Examiner's attention is directed to *In re Gartside*, 203 F.3d 1305, 1315; 53 USPQ 1769, 1775 (Fed. Cir. 2000).

Firstly although API's may be known in the art; however the specific usage, combination, and integration of an API in this invention is novel. That is, Applicant respectfully requests a reference where languages for different countries is translated in the manner recited in claim 22. Additionally, with respect to claim 23 Applicant does not believe it is common to put language related message files in XML and specifically requests a reference showing as much. The Examiner's attention is again directed to MPEP 2144.03 section (C) where it is stated that such evidence must be produced if requested by the Applicant.

Moreover, the Examiner's attention is directed to MPEP 2144.03 (D) where it is stated that any reference supplied in response to the Applicant's request must be used to support the

contention of Official Notice and if it is not a new ground of rejection is introduced and cannot be used as the basis to issue a Final Rejection.

Accordingly, Applicant requests that this rejection be withdrawn or that specific references be supplied by the Examiner for the Applicant to effectively traverse with respect to the Official Notice assertion and if the Official Notice is withdrawn and new references are used, then the next action may not be made Final, since Applicant has not amended claims 22 or 23 in the present response.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

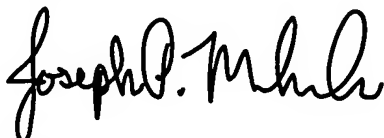If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

YANFENG LU

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Date   November 9, 2006   By /_____/
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